

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE NORTHEAST CARPENTERS HEALTH,
PENSION, ANNUITY, APPRENTICESHIP and LABOR
MANAGEMENT COOPERATION FUNDS,

Petitioners, Order
16-cv-4558(ADS)(AYS)
-against-

ITO INSTALLATIONS LTD.,

Respondent.

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APPEARANCES:

Virginia & Ambinder, LLP

Attorneys for the Petitioners
40 Broad Street, 7th Floor
New York, NY 10004

By: Charles R. Virginia, Esq.
Nicole Marimon, Esq., Of Counsel

NO APPEARANCE:

ITO Installations, Ltd.

Respondent

SPATT, District Judge:

On August 16, 2016, the Petitioners, the Trustees of the Northeast Carpenters Health, Pension, Annuity, Apprenticeship, and Labor-Management Cooperation Funds (the “Petitioners”), commenced this action by filing a petition to confirm an arbitration award (the “Petition”). The Petition alleges that the Respondent ITO Installations, Ltd. (the “Respondent”) failed to remit contributions to the Petitioners’ benefit funds, as it was required to do under the terms of a governing collective bargaining agreement. According to the Petition, the parties’ dispute over unpaid contributions was arbitrated before one J.J. Pierson, who held a hearing and, on June 23, 2016, issued a written award in favor of the Petitioners. The Petition asserts that the Respondent is

bound by the arbitration award but has failed to abide by it. Accordingly, the instant Petition seeks to have the Court confirm and enforce the arbitration award.

On November 8, 2016, the Court referred this matter to United States Magistrate Judge Anne Y. Shields for a recommendation as to whether the instant Petition should be granted, and if so, the relief to be granted.

On January 25, 2017, Judge Shields issued a Report and Recommendation (the “R&R”), recommending that the Petition be granted and that judgment be entered in the total amount of \$454,173.81, inclusive of attorneys’ fees and costs of \$1010.00. That same day, namely, January 25, 2017, the Petitioners filed proof of service of the R&R on the Respondent.

More than fourteen days have elapsed since service of the R&R, and the Respondent has neither filed an objection nor requested an extension of time to do so. Therefore, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result.

Accordingly, the January 25, 2017 Report and Recommendation is adopted in its entirety, and the Petitioners’ motion seeking to confirm and enforce the arbitration award is granted.

The Clerk of the Court is respectfully directed to enter judgment in accordance with this Order, and to close this case.

It is SO ORDERED:

Dated: Central Islip, New York
February 10, 2017

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge